

# Exhibit 9



The University of Texas at Austin  
**University Policy Office**  
University Compliance Services

## Handbook of Operating Procedures 3-2031

# Gifts: Solicitation, Acceptance, and Management

**Effective September 24, 2015**

Executive Sponsor: Deputy to the President and Chief of Staff

Policy Owner: Executive Director for Operations, Development Office

### ***I. Policy Statement***

The University of Texas at Austin ("University") will use a systematic and strategic approach to fundraising efforts to secure private gift funding from individuals, corporations, foundations and other organizations. This approach is designed to maximize philanthropic support and ensure these resources support the University's priorities. Faculty, staff, students, University leaders, and alumni will work as partners in fundraising for the University and are encouraged to attract private gift support.

### ***II. Reason for Policy***

To provide administrative roles, responsibilities, and procedures for solicitation, acceptance, and management of certain gifts to the University in accordance with The University of Texas System ("UT System") Board of Regents' *Rules and Regulations* and UT System policies.

### ***III. Scope & Audience***

This policy applies to all employees, students, and constituents; and includes anyone or any organization who may be involved in gift solicitation, acceptance, and management on behalf of the University.

This policy applies to "gifts" as defined in Section IV below. The definition also notes exclusions.

### ***IV. Definitions (specific to this policy)***

#### **Gifts:**

For purposes of this policy, gifts are defined to include:

- Grants and non-monetary gifts from private philanthropic sources (individuals, partnerships, foundations)
- Voluntary transfer of value, usually in the form of cash, checks, securities, real property, or personal property.
- Cash, securities, and gifts-in-kind (real estate, art, literary materials, automobiles, equipment, software, etc.).

Gifts to the University **exclude**:

- Certain transactions, as determined by the University Development Office, which may not be recognized as charitable donations by the IRS or the Canada Revenue Agency (CRA).
- Those where the donor may retain explicit or implicit control over the use of a gift after acceptance.
- Gifts involving contractual agreements (i.e. quid pro quo arrangements).

## V. Website (for policy)

<https://secure2.compliancebridge.com/utexas/public/getdoc.ph?file=3-2031>

## VI. Contacts

| CONTACT   | DETAILS                    | WEB  |
|---|----------------------------|--|
| University Development Office (UDO)                             | <b>Phone:</b> 512-471-5424 | <b>Website:</b><br><a href="http://giving.utexas.edu/learn-more/contact-us/">http://giving.utexas.edu/learn-more/contact-us/</a> |
| Executive Director of Operations, University Development Office | <b>Phone:</b> 512-471-5424 | <b>Website:</b><br><a href="http://giving.utexas.edu/learn-more/contact-us/">http://giving.utexas.edu/learn-more/contact-us/</a> |

## VII. Responsibilities & Procedures

### A. Gift Agent for the University

The president delegates authority to the executive director of operations of the University Development Office (UDO) to serve as the agent to receive gifts to the University. This includes responsibility for maintaining gift records and acknowledging every gift the University receives in accordance with Internal Revenue Service regulations, the UT System Board of Regents' *Rules and Regulations*, and UT System policies.

### B. Gift Management Protocol

The University, as general practice, adheres to the gift counting conventions set forth in the *CASE Reporting Standards and Management Guidelines* (Council for Advancement and Support of Education).

### C. Responsibilities

Proper management of the private gift process at the University involves shared responsibility of many departments and individuals working together to maximize philanthropic support while achieving University priorities. Roles delegated to these departments are found at <http://giving.utexas.edu/devguide/>.

### D. Procedures

#### 1. Gift Solicitation

- a. Identification and Prioritization. UDO, in partnership with the president and executive leaders, will identify and prioritize the University's needs according to relevant strategic plans. Any project for which outside gift funding is sought must have endorsement of a faculty member or administrative sponsor.
- b. Coordination. Coordination of gift project development and fund-raising strategies must be initiated through the development officer for the college/unit or otherwise the executive director of development.
- c. Authorization. All gift projects and gift funding requests must first gain approval of the dean or relevant unit administrator.

#### 2. Acceptance of Gifts

- a. Criteria Used In Considering Gift Acceptance. The University will exercise discretion to assure it accepts only items which have value to the University. The following criteria will be used in considering the acceptance of noncash gifts:

- potential use by the University

- acceptability of donor restrictions
- market value (if disposal of the item is permitted by the donor)
- space requirements (if the item is to be retained for University use)
- expense to the University associated with the gift, including repairs, maintenance renovations, annual operating expense, shipping, storage, safekeeping, disposal, etc.

b. Decision Communication. When a decision is made to accept or reject a gift, the decision will be given to the applicable dean and department head for purposes of communicating the decision to the donor. Accepted gifts will then be processed by UDO in accordance with the Regents' Rules.

### 3. Noncash Gifts.

The president, or his or her designee, has the authority to accept noncash gifts to the University, excluding gifts of real property. Pursuant to Regents' [Rule 60101](#), noncash gifts to the University will be carefully reviewed before being accepted.

- a. Prior to acceptance of a noncash gift, a recommendation must be transmitted through University administrative channels, including deans and the applicable vice president, to UDO.
- b. An [IRS Form 8283](#), Noncash Charitable Contributions, may be included for items (or groups of similar items) which have a claimed value of more than \$5,000 per item or group.
- c. The University will not provide estimates of value for tax purposes, nor will it attempt to interpret the tax regulations. A copy of IRS Form 8283 (when applicable), signed by an appropriate UDO officer, and other routine acknowledgements are provided to donors.

### 4. Processing

- a. Gift contributions to the University must be processed through the UDO Gift & Data Services department (G&DS). The G&DS department provides the means through which gifts are accepted, acknowledged, and deposited including generation of a gift tax receipt and reporting in the VIP donor database system.
- b. Individuals or department units must process all gifts following submission standards outlined on the [Development Guide: Gift Services](#) webpage.
- c. Gifts will be categorized according to UT System Policy UTS142.2, the *Governmental Accounting Standards Board Statement No. 33 — Accounting and Financial Reporting for Nonexchange Transactions*, and the most recent edition of the *Management Reporting Standards for Educational Institutions*, published by the Council for Advancement and Support of Education (CASE) and National Association of College and University Business Officers (NACUBO).
- d. For additional processing information of noncash gifts, please refer to section VII.D.3 above.
- e. Any questions regarding the administration of gifts to the University not addressed within this policy should be directed to the executive director of operations of UDO for resolution and assistance.

## ***VIII. Forms & Tools***

### **Development Guide**

**IRS Form 8283** — Noncash Charitable Contributions

## ***IX. Frequently Asked Questions***

None

## ***X. Related Information***

See also: [Handbook of Business Procedures](#) (keyword: gift)

Board of Regents' [Rule 60101](#) - Acceptance and Administration of Gifts

UT System Policy [UTS117](#) - Endowment Compliance Plan System-Wide Standards and Guidelines

UT System Policy [UTS138](#) - Gift Acceptance Procedures

UT System Policy [UTS142.2](#) - Policy for Accounting and Financial Reporting for Nonexchange Transactions

[Summary of Statement No. 33](#) - Accounting and Financial Reporting for Nonexchange Transactions

Texas Education Code, [Section 65.36](#) (f) and (g) — Donations for Professorships and Scholarships

## ***XI. History***

Last review date: September 24, 2015

Next scheduled review: September 2017

Replaces HOP Policy Memorandum 3-2030-PM "Non-Cash Gifts"